

**REPORT OF THE JUDICIAL RESOURCES COMMISSION
TO THE SUPREME COURT
AND GENERAL ASSEMBLY
CY 2002**

PREPARED PURSUANT TO §476.415, RSMO

JUDICIAL RESOURCES COMMISSION 2002

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REPORT OF THE JUDICIAL RESOURCES COMMISSION TO THE SUPREME COURT AND GENERAL ASSEMBLY CY 2002

Since issuing its first report in 1991, the Judicial Resources Commission has met annually to review the state of the judiciary and make recommendations as needed. The following is the report for Calendar Year 2002.

JURY MANAGEMENT

Courts continue to experience difficulty assembling jury pools, and the public continues to regard jury service as too burdensome. Improving juror compensation, providing better accommodations, insuring jurors' safety, and making jury duty a more positive experience remain important goals. The number of peremptory challenges permitted continues to significantly affect the size of a panel that must be summoned.

There has been progress, however. The number of counties taking advantage of the increased payment provided by SB 1 (1999) continues to increase. SB 1 provided that, if a county increases juror compensation from \$6 to \$12 dollars a day, the state will add another \$6 to take the total payment to \$18. In Fiscal Year 2002, 83 counties took advantage of this provision. The appropriation for FY 03 is \$268,000; the same amount has been requested in the FY 04 budget.

The *Juror for Windows* software has been installed or is being planned in 109 counties. This system combines the voter registration list and the drivers' license list to increase the number of persons eligible to be utilized for juries.

The Commission recommends that the General Assembly consider legislation which improves procedures for jurors and the physical protection of citizens asked to perform service as jurors. The Commission also recommends that a statewide commission be established to study the safety, compensation, and number of jurors, and that it take into consideration the impact of peremptory challenges on the size of the panel. While the provisions of SB 1 have improved juror compensation somewhat, the Commission recommends that the General Assembly increase that compensation further when the state budget permits.

CIRCUIT CLERKS

The position of circuit clerk is a highly responsible position that is critical to the efficient operation of the circuit courts. Appointment of all circuit clerks would provide personnel with the required qualifications for this office. Legislation to provide for the appointment of all circuit clerks if approved by the voters failed to pass the legislature in 2001. In 2002, the only bill introduced would have provided for the appointment of the circuit clerk in St. Louis City; it failed to pass.

The Commission recommends the appointment of all circuit clerks.

COURTHOUSE FACILITIES

Courts lack facilities to accommodate senior and transferred judges, lack jury facilities and clerical workspace. Some courts are still not in compliance with the Americans with Disabilities Act (ADA). Additionally, effective courthouse security is lacking in the majority of Missouri's courts.

Regional disability awareness and sensitivity training sessions were offered to the courts during 2002, including information on the availability of Community Block Grants for ADA renovations which are available through Missouri's Department of Economic Development.

Security remains a critical issue. The Court Security Coordinator in the Office of State Courts Administrator has developed a security assistance program that is available to all courts. The core of the security assistance program remains the court security survey. The survey is a complete assessment of the current security environment in a jurisdiction. The on-site assessment incorporates a review of existing policies and procedures to identify potential vulnerabilities and provide viable recommendations to provide a safe and secure environment for the conduct of judicial operations and protect the courts' records and property. Court Security training has focused on providing an overview of measures necessary for establishing or improving court security programs.

The Office of State Courts Administrator also continues to review plans for alterations and new construction, making suggestions to ensure that security, accessibility, efficient use of space, and networking needs are considered.

Several courts have moved into new or renovated courthouses in 2002 including those in Cass, Johnson, Miller and Taney Counties.

The Commission recommends that assistance, including financial assistance, be given to help the courts to comply with the ADA. The Commission also notes that, in many circuits, there is a need for additional courtroom space and encourages local governments to provide additional space where needed. The Commission also recommends that other funding sources be accessed where possible to provide some of the financial assistance.

FOREIGN LANGUAGE INTERPRETERS

The influx of non-English speaking people moving into Missouri and traveling through the state has created a problem with providing adequate foreign language interpreters for the courts.

The "Access to Justice Program," created in 2001, includes services such as assistance in locating qualified foreign language interpreters, managing the court interpreter certification program, providing assistive listening devices to the courts, and maintaining a list of qualified deaf interpreters. OSCA continues to certify interpreters in the Spanish language. To date, 118 interpreters have completed the orientation, and 12 have become certified. During FY 02, \$86,090 was paid to interpreters for services provided in 348 counties.

The Commission supports the programs that have been developed to provide for qualified interpreters. The Commission also recommends that a survey be completed determining the need for qualified interpreters in circuit and municipal courts in domestic violence cases.

The Commission recognizes that in cases filed under the adult abuse act, there is a special problem in those situations where one or both of the litigants does not have sufficient understanding of the English language. The Legislature has recognized the importance of access to the courts for persons seeking orders of protection in cases involving domestic violence and other adult abuse situations, and has not required the deposit of a filing fee to petition for an order of protection. However, current state law provides for payment of interpreters only for criminal cases. If a person seeking to file for an order of protection is required to pay for an interpreter, then in many cases where the petitioner is indigent or low-income, the effect is to deny access to the courts to resolve what could be a life-threatening situation. The Commission recommends that the question of how to provide for interpreters in these cases, especially for indigent litigants, be jointly addressed by the judicial, executive and legislative branches.

MUNICIPAL COURTS

Municipal courts handle municipal ordinance violations. In municipalities with a population under 7,500, municipal judges are not required to be attorneys. At present, about 25% of the 336 municipal judges are non-lawyers. Currently, municipal convictions are not used to enhance penalties for subsequent state offenses.

The Commission also supports continued funding for education programs, and further, recommends that the number of training sessions available exclusively to non-lawyer judges be increased.

JUVENILE FACILITIES AND TREATMENT SERVICE

The number of children entering the juvenile justice system continues to increase, as does the number of children certified to stand trial as an adult.

The Juvenile Information Governance Commission (JIGC) was created by the passage of House Bill 236 in 2001. The Commission is responsible for authorizing categories of information to be shared between executive agencies and family divisions of the circuit courts. Thus far, the JIGC has authorized certain categories of information to be shared, and developed a "Memorandum of Understanding, and Cooperative Agreement on Information Sharing Standards and Procedures, for administration of the Missouri Juvenile Justice Information Sharing Program," dated August 1, 2002. This document has been signed by OSCA, the Department of Social Services, Children's Services, Division of Youth Services, and the Department of Health and Senior Services. OSCA is beginning to roll out a secure email application to schools which enables secure electronic communication between court and agency personnel. This has been a successful pilot in five school districts in Callaway County, and is now being implemented in the Jefferson City school districts. In January 2003, 81.98 FTE in the juvenile courts and detention facilities will be requested in the budget submitted to the governor.

The Commission supports the Circuit Court Budget Committee in its budget request for additional FTE so to comply with legislative and workload requirements for juveniles. The Commission also recommends that the request for single-county circuits to convert to state employees be approved and that eventually, all juvenile court employees become state employees.

FEDERAL CHILD ABUSE/NEGLECT MANDATES

Federal legislation has imposed requirements on states relating to child abuse and neglect cases. This new federal legislation was a congressional response to children staying too long in out-of-home care. The legislation placed additional burdens on state courts, including establishing new timelines and conditions for filing termination of parental rights petitions, and requiring a permanency hearing be held within twelve months of a child entering care. Missouri has responded to the federal requirements with legislation to bring state law into compliance.

In December 1999, in response to another statewide call for proposals, the 22nd Judicial Circuit (St. Louis City) was selected to serve as the third pilot project court, (the first being the 2nd and 23rd), and began their three-year project in January 2000. Based on the preliminary analysis of the project, as reported in the Institute of Applied Research (IAR) *Second Interim Report*, May 2002, this court has made significant improvements in the judicial process, and these improvements have resulted in expediting permanency decisions for abused and neglected children. There is a request in the FY 04 budget for \$134,500 to continue the Juvenile Court Improvement Project in the 22nd judicial circuit.

The 2nd and 23rd circuits have been able to continue the project through funding from third-party liability (TPL) funds (money recovered by the Department of Social Services from liens on personal and other funds that should have paid instead of Medicaid). These funds have allowed these two courts to hire three court employees dedicated to assisting the judges/commissioners who hear child abuse and neglect cases. Plans to expand the project to five new courts are "on-hold" while waiting for anticipated Title IV-E funds.

The Commission supports the request for funding in the FY 2004 budget to continue the pilot project in the 22nd Judicial Circuit, and further supports expansion of the permanency planning project.

FAMILY COURTS

Family Courts, established by statute in 1993, offer a means of coordinating many related judicial activities. Under the "umbrella" of the family court, domestic relations cases, adoptions, juvenile cases, adult abuse/child protection petitions, paternity cases and child support issues are handled by a single court whose primary purpose is to adjudicate these often-related cases. To date, family courts have been established in the 7th, 11th, 13th, 16th, 20th, 21st, 22nd, 23rd, and 31st circuits. However, not all Family Courts are providing the coordinated services that were intended by the legislation, and many courts do not provide the coordinated services that benefit litigants and their families. Separate judges and clerks handle juvenile, adult abuse, domestic relations, and paternity cases, despite the fact that some of the cases overlap and could be best addressed as a whole. The present system places court clerical staff in situations which are more appropriate for trained professional staff, e.g., assisting with adult abuse petitions, discussing visitation problems, etc.

The Domestic Relations Resolution Fund is being utilized, in part, to develop additional programs and services for family courts.

The Missouri Supreme Court Family Court Committee has developed a strategic plan to guide and direct their activities to assist in the full implementation of the family court concept. Key improvement areas of the strategic plan include: 1) Creating and implementing a unified family court – develop a model case management process and define "one family, one judge", 2) Improving access to and services of the unified family court – develop and recommend time standards for juvenile cases, and develop standardized forms for all unified family court cases, 3) Addressing unified family court judge issues – meet and work with the Judicial Education Committee and recommend the formation of a Unified Family Court Administrative Judges' Committee, and 4) Addressing unified family court judge issues – request the Supreme Court to assign unified family court forms and rules to the Supreme Court Family Court Committee and recommend an amended change of judge rule for unified family court cases.

The Unified Family Court project in St. Louis City continues to develop policies and practices consistent with the philosophies of a unified family court. The St. Louis County Family Court has been awarded a \$36,000 grant by the Deaconess Foundation with matching funds from the Division of Family Services to develop Family Group Conferencing to assist neglected and abused children and their families in St. Louis. The program is in the last year of the three-year project, and is actively searching for funds to continue the project. The FY 03 state budget contains an appropriation for two reimbursable family court commissioners—one in the 11th and one in the 31st judicial circuit.

While there is some evidence of abuse of the protective order filing system, there is no way to verify this at the present time.

The Commission would like to see more progress in this area. The Commission recommends that, wherever possible and needed, Family Courts be established. It also recommends that adult abuse and child protection assistance be provided by someone other than a clerk, preferably a professional staff member. The Commission encourages presiding judges to provide mediation programs in those domestic relations cases where children are involved. The Commission also recommends that, wherever a Family Court is created, the court provide the maximum programs and services possible for all family members. The Commission supports the pilot project in the 22nd Judicial Circuit.

JUDICIAL RESOURCES ALLOCATION

Because of a number of different factors, caseloads vary in the respective circuits and counties. This presents the Judiciary with the problem of how to balance the workload to match judges and commissioners to the needs of the various circuits. The Missouri Constitution, Article V., Section 6, gives the Supreme Court the authority to make temporary transfers of judges and commissioners as the administration of justice may require. Missouri Supreme Court Rule 11 further details the procedure. During FY 2002, there were 2,226 judicial transfer orders processed. Transfers are made either for a specific period of time or to handle specific cases. This procedure allows Missouri courts to allocate judicial personnel efficiently while retaining the flexibility to address special cases and variations from year to year. (See Table 3.)

The Commission recommends that the issue of allocation of judges be jointly addressed by the judicial, executive and legislative branches at the earliest possible time so that caseloads among judges in the various circuits will be brought into better balance, and that caseloads be reviewed on a regular basis to insure that judicial resources continue to be properly allocated.

SENIOR JUDGES

Section 476.682, RSMo provides the statutory basis for compensating senior judges the difference between their judicial retirement and the salary of the office for those days they sit as a senior judge pursuant to Supreme Court order. The senior judges provide assistance, where needed, for a fraction of the cost of a permanent judge. This program is working very well, as senior judges continue to provide a valuable service for Missourians.

In FY 02, 70 retired judges accepted assignments to serve as senior judges. Senior judges accepted periods of time orders totaling 9,031 days in FY 02. This valuable judicial service is provided by senior judges where vacancies have occurred due to retirement or illness, keeping dockets current until a replacement was appointed or in an effort by the court to remain current. In addition, senior judges were assigned to 578 individual cases that were for the most part multi-day jury trials or complex matters.

Until FY 02, appropriations were sufficient to fully compensate senior judges. This year, however, it fell short. In addition, the FY 03 budget imposed a core cut of \$143,673, or 22.32% from the core budget. Nonetheless, senior judges have volunteered to continue hearing cases despite the salary decrease.

Senior judges continue to experience difficulties with inadequate courthouse space and facilities, including the absence of a court reporter in most instances. At present, official court reporters frequently cannot be freed from regular assignments to preserve lengthy or complex trials conducted by senior judges—the types of trials they are most likely to conduct. As a result, litigants willing to use a senior judge who wish to have a court reporter are required to pay for the related costs themselves. This is unfair, since other litigants who have similar cases heard by active circuit judges are not required to assume those costs.

The Commission recommends that adequate support services be provided for senior judges, including court reporters for lengthy or complex trials. The Commission recommends that presiding judges arrange for necessary facilities—court reporter, courtroom—in advance for a senior judge who has agreed to serve. The Commission also recommends that the temporary court reporter fund be expanded to cover payment for court reporters for senior judges when one is not available. The Commission recommends that senior judges be fully compensated for their service. The Commission commends senior judges who continue to provide this valuable service.

TIME STANDARDS

Meeting time standards continues to be a major emphasis of the Missouri judiciary. The Judicial Conference established the Daniel O'Toole award to be presented to courts that achieved significant compliance with the time standards. For 2002, the recipients were the 14th and 19th circuits.

The Commission recommends that the courts continue to evaluate the progress of time standards implementation and encourage time standards compliance to insure that cases be resolved as expeditiously as possible to benefit litigants and all involved in the court process.

PUBLIC DEFENDER

The Missouri State Public Defender System's crisis in the recruitment and retention of attorneys continues. For FY 02 the State Public Defender experienced turnover of 18% of its attorneys. In FY 01 the turnover rate was 21%, in FY 00 the rate was 17%, and in FY 99 it was 15%. The FY 02 turnover rate is approximately the same as FY 94. After 1994, funding increases improved attorney salaries and retention was greatly improved. The turnover rate dropped to approximately 8%. More experienced public defenders provided better representation and contributed greatly to a higher case disposition rate (dispositions divided by assignments).

Unfortunately, the success at improving recruitment and retention of eight years ago has faded. Today Missouri's Public Defender System is in an impossible situation as to recruitment and retention of lawyers. Top law firms' starting salaries approximate \$90,000 per year. Even medium and small firms, against whom the Public Defender System directly competes in recruitment, start associates at approximately \$60,000 per year. The Missouri Bar's economic survey for 2001 reports Missouri attorneys age 30 and under average more than \$60,000 per year. By contrast, Missouri's assistant public defenders start at just under \$32,000 per year and, if highly successful, can be making in the lower \$50,000 range after about five years.

Heavy student loan debt often prohibits recent law school graduates from accepting employment with the State Public Defender or elsewhere in the public sector. A State Public Defender survey indicates most of its attorneys graduated with \$50,000 to \$100,000 of student debt. Approximately five percent had debt in excess of \$100,000. Even at Missouri's state law schools, law school officials indicate student debt for law school alone is usually near \$60,000. Young attorneys desirous of public service, even those willing to forego higher salaries, simply cannot do so in the face of this extreme debt burden. For the third year in a row, the State Public Defender Commission has requested funding to initiate a loan forgiveness program. Even modest loan forgiveness (\$100 per month for the first 36 months of service) is expected to give the State Public Defender considerable help in recruitment.

The caseload of Missouri's Public Defender System continues to rise. Total assigned cases in FY 02 were 82,206, up from 76,786 in FY 01. Case dispositions were 77,165, up from 73,438 in FY 01. As the disposition rate dropped to 93.9% from 95.6% in FY 01, the State Public Defender continues to fall behind in its disposition of cases assigned. The State Public Defender attributes this low disposition rate directly to its inability to fill attorney positions.

The State Public Defender needs adequate and sufficient office facilities to house its personnel. The State Public Defender Commission seeks again this year to change 600.041.1, RSMo and the funding to make the financial burden of office space a state, rather than county, obligation. Prior efforts at this modification have been unsuccessful. Instead, the General Assembly approved language to House Bill 5, allowing the interception of county prisoner per diem funds if that county fails to meet its obligation under 600.040, RSMo. The State Public Defender Commission continues to seek the cooperation of county governments in this area and hopes county governments will comply with their statutory obligation. While some have, many counties view the interceptions of prisoner per diem as heavy-handed, state mandate tactics, straining county/state relations.

A new Section, 600.101, RSMo, was enacted in 1999. It calls for disputes between the Office of State Public Defender and the counties to be presented to the Judicial Finance Committee. It also calls for a report from the Judicial Resources Commission to the Chairs of the House and Senate Judiciary and Budget Committees.

The Commission supports the State Public Defender in its recruitment and retention efforts. This Commission recognizes the integral role the State Public Defender plays in the entire criminal justice system. It also recognizes that, without the recruitment and retention of qualified attorneys, the interest of justice will not be met. The Commission supports the State Public Defender in its efforts at increased funding, both as to salaries and as to loan forgiveness programs in the hopes both will enhance recruitment and retention. The Commission also supports the State Public Defender in its efforts to revise 600.040, RSMo and its request for funding office space needs.

STATEWIDE COURT AUTOMATION

The Missouri Court Automation (MCA) Committee is implementing the statewide plan developed in the information architecture and adopted in July 1996. The FY 04 budget contains a request for a total of \$13.6 million to maintain and expand implementation of this important project. By the end of June, 2002, case management software was installed in 72 courts, including the four appellate courts and the Fine Collection Center, and 67 counties in 28 circuits. These courts serve 49% of the court caseload for Missouri, and 53% of the population.

In FY 02, the statewide case management system was implemented in seven circuits and 19 courts: 1st – Clark, Schuyler, and Scotland; 8th – Carroll and Ray; 9th – Chariton, Linn, and Sullivan; 14th – Howard and Randolph; 15th – Lafayette and Saline; 30th – Benton, Dallas, Hickory, Polk, and Webster; and 45th – Lincoln and Pike. The 37th Judicial Circuit and the Fine Collection Center were upgraded to phase 1 of a 2-phase project that significantly improves the case management system. Also in FY 02, 5 circuits were upgraded to Windows 2000 from older operating systems no longer supported by Microsoft with the users receiving a new version of Lotus Notes. Additionally, the pilot juvenile case management project was implemented in the 37th Circuit, and Case.Net went live for 18 counties.

The Commission acknowledges the ongoing need to maintain the automation system, to expand the applications of the system, and to replace and maintain equipment. Therefore, the Commission supports funding what will be an indispensable service within the judiciary. The Commission also recommends that uniformity be established throughout the system.

REGIONAL JUSTICE CENTERS

The county-based courthouse system currently in place in Missouri is inefficient and archaic as Missouri enters the 21st century. The concept of regional justice centers has emerged in recent years as a means of modernizing the way justice-related facilities are developed. To date, no legislation establishing regional justice centers has been enacted. HB 1078, passed in the 2002 session, authorizes regional jail commissions to have a 1/8%, 1/4%, 3/8% or 1/2% regional sales tax for the purpose of operating a regional jail district, if approved by qualified voters of the district.

The Commission supports the concepts of regional justice centers. The Commission recognizes the importance and validity of a joint effort on the part of the courts and county governments to deal with the costs and inconveniences that presently occur because of separate facilities.

MEDIATION AND ADR SERVICES

At present, there is no dedicated program housed within the judiciary to support state courts' efforts to deliver Alternative Dispute Resolution (ADR) services to litigants as authorized in Chapters 435, 452, and 487, RSMo and provided for in Supreme Court Rules 17 and 88. The Commission on Alternative Dispute Resolution Services in Domestic Relations Cases was created by the Supreme Court in August, 1999, and issued its initial recommendations on July 1, 2000.

The Commission continues to meet, and is working on such issues as mediation standards. The FY 03 budget included a transfer from the Domestic Relations Resolution Fund to the Circuit Court Budget. This transfer allowed the ADR Commission to solicit proposals from the courts to implement two pilot projects that allow each pilot site to hire a full-time ADR specialist. The ADR Commission has selected the 45th Judicial Circuit and the 27th, 28th, and 30th Judicial Circuits (multi-circuit project) to serve as the two pilot court project sites for Alternative Dispute Resolution Services in Family Law Related Cases. Each award will be for a two-year period, with the start-up date to be determined in the near future. Funds will be provided to allow each site to hire a full time ADR Program Specialist. In addition, each project court site will be eligible to receive up to a maximum of \$50,000 per the two-year award period for the development, implementation, evaluation and support of the project. When IV-E funding becomes available, the project will be expanded to additional courts.

The Commission supports state courts' efforts to deliver Alternative Dispute Resolution services to litigants.

COURT APPOINTED SPECIAL ADVOCATE PROGRAMS

Court appointed special advocates (CASAs) are volunteers who serve in various capacities to assist the courts and DFS to minimize the time a child spends in official care and maximize the chance that the child will have a home safe from abuse and neglect in a timely manner. This both benefits the child, and saves the state considerable expense for foster care.

Currently, there are fifteen CASA programs that cover seventeen circuits. They are based in Cape Girardeau, Hannibal, Joplin, Kansas City, Liberty, St. Charles, St. Joseph, St. Louis City, St. Louis County, Salem (satellite office), Springfield, Trenton, Warrensburg, Rolla, Marshall, and West Plains. Legislation was passed in 2001 that created the "Missouri CASA Fund" to be administered by the state courts administrator. Plans call for distribution of the funds to all existing programs and one start-up program each year. An appropriation of \$200,000 has been requested in the FY 04 budget to administer this fund.

The Commission supports the efforts of courts to employ CASAs whenever possible. The Commission supports the request for an appropriation for the "Missouri CASA Fund."

DRUG COURTS

Judicial workload has been increasing in areas around the state, largely due to an increase in drug and drug-related cases. It is currently estimated that 33% of all prison inmates have a serious substance abuse problem, another 33% need some level of substance abuse treatment and a total of 75% have a history of substance abuse. Use of drug courts can achieve an early intervention in criminal careers, resulting in fewer crimes.

The Drug Courts Coordinating Commission has been appointed and organized as provided in §478.009; the Drug Court Resources Fund will be administered as provided in §478.009.

The intent of the Commission is to provide funding to drug court programs based upon best practices instead of by a formula based upon numbers in the program and other funds being received. The Commission will review and approve those programs that indicate their compliance with the key components of drug court operation.

In April, 2002, the Commission adopted the nationally recognized key components for drug court operation. Included are areas that focus on best practices of program management. These areas include frequent, random drug testing of participants to monitor whether or not a person is using drugs or alcohol; collaboration and coordination with community agencies and organizations to provide a holistic approach to the participant; and, by providing a continuum of treatment services to meet the needs of each individual in the program.

Late in the Fiscal Year 2003 budget process, the General Assembly transferred funds from the Department of Corrections Local Sentencing Initiative to the Drug Court Resources Fund. The General Assembly transferred \$1,821,500.

Currently, drug courts have been established in 58 courts in 23 circuits in Missouri, largely in response to legislation passed by the General Assembly in 1998. The Circuit Court budget for FY 2004 contains a request for nine positions for drug courts including three drug court commissioners and six drug court administrators. The increase in drug court activity, interest and planning has led the 1st, 4th, 12th, 21st (two positions) and 23rd circuits to request a drug court administrator position and the 12th, 23rd, and 31st circuits are requesting a drug court commissioner position.

The Commission supports the concept of drug courts and encourages their implementation in additional circuits only where the drug-related caseload warrants.

FISCAL ASSISTANCE

Requests for additional FTE based on fiscal notes have not always been approved, causing workload problems for the courts.

In FY 02, there were a total of approximately 869,000 cases filed in the circuit courts in Missouri. A request for an additional 83.37 FTE in 49 of Missouri's 114 counties and city not within a county will be included in the FY 04 budget request. In these 49 counties, the filings are up 21.6% since FY 94.

The Commission recommends that, when legislation is enacted with a fiscal note supporting additional FTE, those FTE should be funded with an adequate appropriation.

COMMUNITY-BASED SENTENCING ALTERNATIVES

This is an area of growing interest nationwide, as states seek ways to cope with the growing costs of new prisons, and the cost to society of recidivism among former prison inmates.

At present, the majority of alternative sentencing programs involve drug courts. In addition, intensive supervision, counseling, residential work release, employment skills training and mental health treatment are some of the community corrections initiatives being pursued in several counties. (See Drug Courts on page 8.)

The Commission recommends the implementation and use of alternative sentencing programs in appropriate cases.

UNCOLLECTED COURT COSTS

Court costs that remain uncollected have been a source of increasing interest at various levels of government. In many cases, these costs are uncollectable because the person owing them is indigent and/or in prison.

Legislation introduced last session would have allowed courts to report delinquent payments of court costs, fines, or fees in excess of \$25 to the Office of State Courts Administrator for purposes of seeking a set-off of an income tax refund. The bill specified that the Department of Revenue must provide notice to the debtor and included a procedure for review of the set-off by the court. The bill created a time payment fee that would allow courts to impose an additional fee of \$20 on all fines, fees, or sanctions not paid in full within 30 days. The time payment fee would be distributed as follows: \$8 to the local court; \$7 to the court automation fund; and \$5 to the drug court resources fund. While this legislation did not pass, we anticipate that it will be introduced again this year.

The Commission recommends that a governmental entity study how the courts can improve the collection of courts costs. The Commission recommends that, in order to avoid unprofitable diversions of judicial resources, the judiciary be authorized to establish mechanisms to permit the write-off of uncollectable fines and court costs.

OUTSTANDING WARRANTS

Missouri ranks in the top ten states for the total number of outstanding felony and non-felony warrants, according to federal authorities. The recent state audit reviewed how well various state law enforcement agencies manage the state's approximately 728,000 outstanding warrants and determined that there is a need for system improvements to arrest more felons.

The Office of State Courts Administrator has applied for a STOP grant (STOP Violence Against Women) that would provide funding for an automated reporting process to be developed between the Missouri Uniform Law Enforcement System (MULES) and the Judicial Information System (JIS), allowing 100 percent of all domestic violence related warrants generated by JIS to be electronically transmitted from courts to law enforcement personnel tasked with apprehending these perpetrators.

Law enforcement personnel will be provided immediate electronic notification of some 4,600 warrants generated annually under state charge codes related to sexual assault, domestic assault and family offenses.

The Commission recommends that a governmental entity conduct a study to determine what type of centralized system and/or review system might be created to improve the current situation, and to determine if there are any other avenues that could be explored to decrease the number of outstanding warrants and improve the collection of costs, fines, fees and restitution.

OTHER ISSUES

The Commission recommends that, when the state fiscal situation improves, the legislature fund a COLA sufficient to allow for the retention of qualified and experienced court personnel.

REPORT OF THE COMMISSION ON JUDICIAL RESOURCES
December, 2002

STATEWIDE CASELOAD, TRANSFER AND ASSIGNMENTS STATISTICS
Traffic/Ord./Municipal Cert./TDN

Graph 1
Missouri Circuit Court
Cases Filed and Disposed
FY 2002

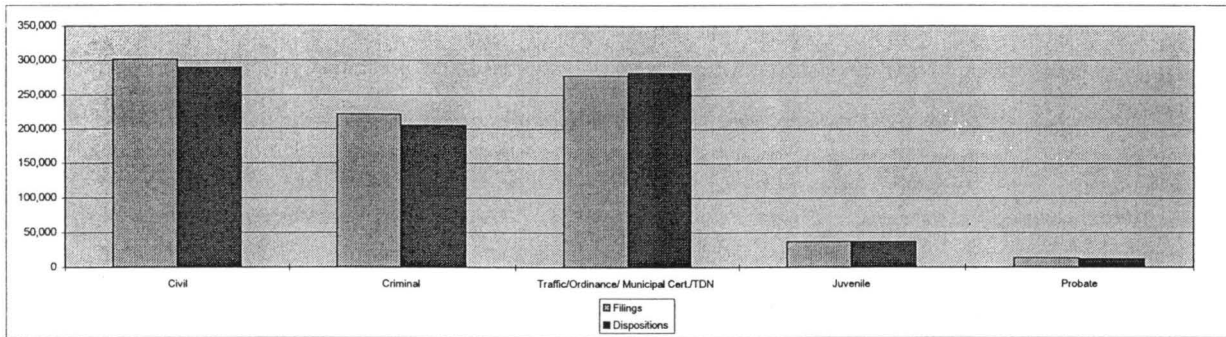


Table 1
Missouri Circuit Court
Cases Filed and Disposed by Case Type
FY 2002

<u>Case Type</u>	<u>Filed</u>	<u>Disposed</u>	<u>*Disposition to Filing Ratio</u>
Civil	301,330	290,019	0.96
Criminal	221,926	205,416	0.93
Traffic/Ordinance/ Municipal Cert./TDN	277,977	282,141	1.01
Juvenile	36,920	36,609	0.99
Probate	<u>13,442</u>	<u>12,156</u>	0.90
Total	851,595	826,341	0.97

* This ratio, calculated by dividing the number of cases disposed by the number filed, gives an indication of how well the courts are keeping up with their workload. A ratio of 1.00 or greater indicates that the courts disposed at least as many cases as were filed. A ratio of less than 1.00 indicates that the courts disposed fewer cases than were filed and experienced an increase in pending caseload.

Table 2
Missouri Circuit Court
Cases Disposed by Manner of Disposition
FY 2002

Case Type	---With Trial---		-----Without Trial-----				Total
	Jury	Court	Uncontested	Plea	Dismissed	*Other	
Civil	611	38,949	130,317	n/a	108,147	11,995	290,019
Criminal	692	1,667	n/a	111,386	54,300	37,371	205,416
Traffic/Ord./Municipal Cert./TDN	23	3,869	n/a	227,640	48,990	1,619	282,141
Total	1,326	44,485	130,317	339,026	211,437	50,985	777,576

* Other includes such manners of disposition as change of venue, certification, and bind over of felony preliminary cases.

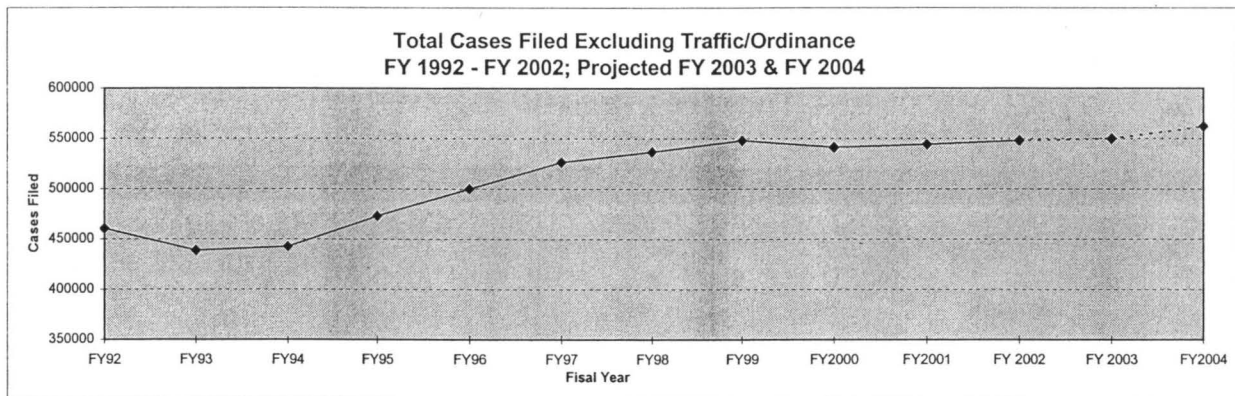
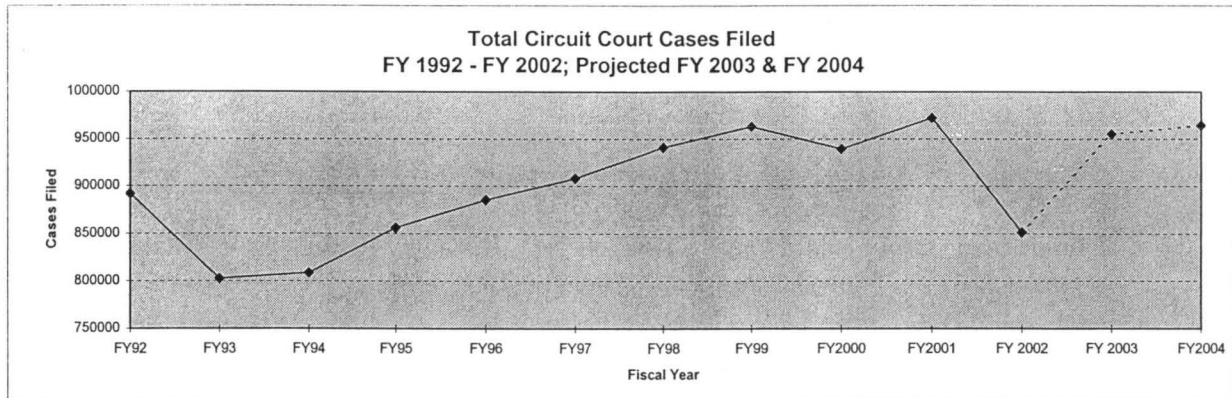
Table 3
Missouri Circuit Court
Judge Transfers/Assignments
FY 2002

	Number of Days	Number of Individual Case Assignments	*Total Circuit Civil, Domestic Relations, Circuit Felony Cases
Transfers of Associate/Circuit Judges	1,243	1,275	3,669
Senior Judge Assignments	9,289	578	1,951

Note: Transfers/assignments are made for either specific periods of time or to handle individual cases. Numerous cases may be heard in a single period-of-time assignment.

REPORT OF THE COMMISSION ON JUDICIAL RESOURCES DECEMBER, 2002

OVERALL CASELOAD GROWTH



The creation of the St. Louis County traffic court and the volatility of the high-volume state traffic caseload can be seen in the comparison of total case filings with and without traffic. Legislation shifted about 55,000 county ordinance cases to a new St. Louis County traffic court in 1993, and the state traffic case volume was down in FY 93 and FY94.

Filing caseload data for tickets processed in the Fine Collections Center (FCC) are not included in these tables.

Please note: "Total Circuit Court Cases Filed" includes civil, criminal, juvenile, and probate statistics.

Case Processing Time Standards Age of Case At Disposition FY 2002				
Time Standard Category	Standard for Age of Case at Disposition in the State	Actual Performance Statewide	Percent Change from FY 2001	Circuits Meeting Both Standards in FY 2002
Circuit Civil				
In 18 months	90%	78%	0%	19
In 24 months	98%	87%	0%	
Domestic Relations				
Traffic/Ord./Mun	90%	82%	1%	5
In 12 months	98%	89%	0%	
Circuit Felony				
* Other includes	90%	89%	4%	3, 13, 14, 36
In 12 months	98%	94%	2%	
Associate Civil				
In 6 months	90%	86%	1%	1, 2, 3, 6, 9, 10, 13, 14, 17, 18, 19, 23, 26, 30, 32, 33, 34, 35, 36, 39, 41, 44, 45
In 12 months	98%	96%	0%	
Associate Criminal				
In 4 months	90%	78%	1%	32, 35
In 6 months	98%	89%	1%	